

RB REES BROOME, PC

ATTORNEYS AT LAW

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Bethesda, Maryland 20814
Phone: (301) 222-0152
Fax: (240) 482-4868

TELEFAX

American Express
P.O. Box 981532
El Paso, TX 79998
Attention: Fraud Investigation/Customer Service

Re: American Express/ Jim Whittaker

To Whom It May Concern:

I am writing regarding an adverse credit entry on Mr. Whittaker's report submitted by American Express ("AMEX"). This adverse credit entry arises from a dispute between Mr. Whittaker and AMEX regarding unauthorized charges on Mr. Whittaker's account in approximately 2008.

While Mr. Whittaker was dining in a restaurant in Japan, while on business, he paid for his meal with his AMEX card. Unbeknownst to him, the server fraudulently charged approximately \$110,000.00 on the card. We attempted to resolve this dispute with AMEX. However, AMEX was uncooperative and filed suit against Mr. Whittaker. In response, we immediately filed pleadings evidencing that Mr. Whittaker's signature was not on any of the alleged "receipts" for the \$110,000.00 purchases. Immediately after our filing these pleadings, AMEX dropped the suit and removed the adverse entry from Mr. Whittaker's report. Today, we have learned that American Express has, once again, resubmitted their erroneous entry on Mr. Whittaker's report. Given that AMEX decided to no longer pursue this claim and had previously removed the entry from Mr. Whittaker's report, we are surprised that AMEX would re-report this false entry. However, please rest assured that the adverse entry is entirely erroneous and baseless.

We have attached correspondence that was previously submitted to AMEX that details the dispute. As you will see, AMEX has failed to properly investigate and resolve this matter and its failure to do so has resulted in substantial damage for Mr. Whittaker, who has failed to qualify for certain loans, even though he has excellent credit. It is AMEX's actions that have directly led

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SUSAN RICHARDS SALEN*+
MARK P. GRAHAM
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MARK A. MOORSTEIN*
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KIMBERLEY M. O'HALLORAN-CORDRAY*+
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HILLARY ANNE COLLINS*+
ALISON R. MULLINS*
MARIA W. TADROS*
JOSEPH J. SHANNON
MARGUERITE L. SELTON

SENIOR COUNSEL:
ROBERT W. WOOLDRIDGE, JR.
OF COUNSEL:
DANIEL R. GROPPER*

JAMES M. REES (1941-1995)

December 18, 2012



RB REES BROOME, PC
—ATTORNEYS AT LAW

December 18, 2012

Page 2

to the denial and are no doubt a violation of the Fair Credit Reporting Act and Fair Billing Reporting Act. If AMEX does not remove these items from Mr. Whittaker's credit report within thirty days of the date of this letter, Mr. Whittaker will initiate legal action and seek recovery of his damages, attorneys fees, costs and civil penalties for AMEX's willful and repeated violation. We hope that you give this letter due attention and not simply ignore it, as you seem to have done with prior correspondence.

We look forward to your prompt response.

Sincerely,

REES BROOME, PC

By:


Robert J. Cunningham, Jr.

cc: James Whittaker
Experian
TransUnion
Equifax

K:\4141049\06009\CORR\121211 Letter to American Express.doc

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LISANDRA E. SANTIAGO*+
ELIZABETH D. CRANSTON
NICHOLE O. FLIPPEN*
HILLARY ANNE COLLINS*+
JULIE A. CHASE
MARIAM W. YADROS
SPIROS D. KOMIS

SENIOR COUNSEL:
ROBERT W. WOOLDRIDGE, JR.
JAMES M. REES (1941-1986)

January 22, 2010

TELEFAX

Debbie Bell
American Service Center
Fax: 703-525-2066

Re: American Express v. Whittaker

Dear Mr. Bell:

I am writing regarding an adverse credit entry on Mr. Whittaker's report submitted by American Express ("AMEX"). This adverse credit entry arises from a dispute between Mr. Whittaker and AMEX regarding unauthorized charges on Mr. Whittaker's account in approximately 2008.

While Mr. Whittaker was dining in a restaurant in Japan, while on business, he paid for his meal with his AMEX card. Unbeknownst to him, the server charged approximately \$110,000.00 on the card. We attempted to resolve this dispute with AMEX. However, AMEX was uncooperative and filed suit against Mr. Whittaker. In response, we immediately filed pleadings evidencing that Mr. Whittaker's signature was not on any of the alleged "receipts" for the \$110,000.00 purchases. Immediately after our filing these pleadings, AMEX dropped the suit and removed the adverse entry from Mr. Whittaker's report. Today, we have learned that American Express resubmitted their erroneous entry on Mr. Whittaker's report. Given that AMEX decided to no longer pursue this claim, we are surprised that AMEX would re-report this entry. However, please rest assured that the adverse entry is entirely erroneous and baseless.

Based upon these recent developments, we shall contact AMEX and the appropriate credit reporting agencies to correct this error. In addition, enclosed please find a copy of the correspondence dated November 28, 2008 which outlines and describes the core dispute at issue with AMEX.

RB REES BROOME, PC

ATTORNEYS AT LAW

Debbie
January 22, 2010
Page 2

Please contact me if you have any questions or concerns.

Sincerely,

REES BROOME, PC

By:


Robert J. Cunningham, Jr.

cc: James Whittaker



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* ALSO ADMITTED TO PATENT BAR

November 25, 2008

By telefax:: 713 977 0119

Tiji Thomas
United Recovery Systems
Houston, TX 77001

Re: Account No.:
Cardholder: Jim Whittaker/Mid-Atlantic Telerad, Inc.
Reference Number: 10737523

Dear Mr. Thomas:

As you know, our firm represents Jim Whittaker and Mid-Atlantic Telerad, Inc.(Mid-Atlantic) in its cardholder dispute with American Express for the above-referenced account. Please direct all future communications to our office.

It is my understanding, based upon my conversations with both you and representatives from American Express, that American Express will not credit our clients' charge account with the fraudulent charges at issue in our discussions, despite the fact that Mr. Whittaker clearly did not sign any of the disputed receipts. This short-sighted strategy by American Express in attempting to strong-arm my clients into paying these disputed charges, followed by its decision to retain your services to collect this supposed debt, shall only serve to generate litigation in which American Express and United Recovery Systems shall be made party defendants. As United Recovery Systems is apparently no stranger to substantial claims of FDCPA violations, you would be best served by immediately foregoing attempted collection of this disputed debt.

Be advised that if you or your company submits adverse reports for either Mr. Whittaker or Mid-Atlantic to credit bureaus based upon this alleged "debt" which is clearly disputed, we will invoke all remedies available under the Fair Debt Collections Practices Act, Fair Credit Reporting Act, and common law generally against you individually, United Recovery Systems, and American Express. In addition, we shall submit this issue and case to appropriate governmental regulatory authorities for investigation and disposition. We shall, in keeping with our position in this matter, periodically pull our clients' credit reports to ensure your compliance with this directive.

RB

REES BROOME, P.C.

ATTORNEYS AT LAW

American Express
November 25, 2008
Page 2

Your immediate attention is requested. Should you have any further questions or comments regarding these matters, please call me.

Sincerely,

REES BROOME, PC

By:


Robert J. Cunningham, Jr.

cc: Jim Whittaker
Mariam Tadros
Kenneth Chenault
Edward Leszuneux
American Express

K:\4141049\00009\CORR\081128 Ltr. to Collections Agency

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October 17, 2008

American Express
P.O. Box 981532
El Paso, TX 79998
Attention: Fraud Investigation/Customer Service

Re: Account No.:
Cardholder: Jim Whittaker/Mid-Atlantic Telerad

To Whom it May Concern:

This letter will serve to confirm our telephone conversation yesterday with "Penny" in American Express's Fraud Investigation Unit. Consistent with our discussion with "Penny", we have indicated to her that based upon information provided by American Express to our client under letter dated June 30, 2008, that there is conclusive evidence that the Japanese merchant that is the subject of this investigation committed fraud and theft in connection with my client's American Express card. I have enclosed, for your review, credit card charge slips obtained from the merchant and provided by American Express that unequivocally demonstrates that the signatures on these receipts are forged and fraudulent. None of the signatures match each other, and none of the signatures match Mr. Whittaker's original signature, which you can presumably verify through your own internal databases. This initial issue, on its face, is a clear indication that as Mr. Whittaker has claimed, the Japanese merchant committed fraud and outright theft in connection with Mr. Whittaker's American Express card.

At issue are credit charges totaling approximately \$120,000.00 from the offending merchant. We would formally request that American Express immediately open a new fraud investigation file in this matter to fully and fairly investigate the facts and circumstances of the fraudulent charges at issue here. Further, it is my understanding that notwithstanding these clear indices of fraud, that American Express has formally submitted adverse credit entries in Mr. Whittaker's credit report which, based upon the circumstances of this case and investigation, is absolutely unwarranted. We request and demand that all adverse credit entries against Mr. Whittaker's credit be suspended and held in abeyance pending conclusion of American Express's investigation of these fraudulent charges. In the event American Express fails to undertake immediate measures to promptly investigate the fraudulent charges at issue in this correspondence and in your file, and fails to remove and hold in abeyance the adverse credit entries submitted against Mr. Whittaker's credit report, we will unfortunately have to file formal proceedings against American Express to fully protect Mr. Whittaker's rights and interests.

RB

REES BROOME, P.C.

ATTORNEYS AT LAW

American Express
October 17, 2008
Page 2

Hopefully, this will not be necessary. And, to reiterate, Mr. Whittaker is fully prepared to immediately pay all legitimate authorized charges, once those are determined.

Finally, Mr. Whittaker shall be contacting American Express to authorize American Express to mail all future correspondence pertaining to his account and these matters to my attention at my offices at the address above. And, consistent with my prior letter of representation to you, please send me copies of both the cardholder Agreement and merchant Agreement in effect at the time of the April, 2008 charges.

Thank you for your consideration and attention, and should you have any further questions or comments regarding these matters, please call me.

Sincerely,

REES BROOME, PC

By:


Robert J. Cunningham, Jr.

RJC:hsb

Enclosure

cc: Jim Whittaker
Mariam Tadros



クレジットカード売上票
(デ-タギヤ用)

加盟店名
STAR GAZZER
03-5282-3939

売場: 保真: MS
IC/MS別子

カード会社 JCB GROUP
伝票番号 00379
数字番号 60001-550-74509
ご利用日 08/04/22 03:58:44

会員番号 37153524396000
有効期限(Y/Y/MM) XX/XX

延滞残高 217588
取引内容 承認後売上
支払区分 一括
取扱区分 110
承認番号 000064

金額 ¥1,627,200

合計金額 ¥1,627,200

WHITTAKER JIM

署名
SIGNATURE

カード会社用

- Date 2008/4/22

- CH# 3715-352477-95004

- Auth#

- Total amount

- Signature

Pekshimi No. 07205
Restaurant Card

Name 様 4月21日

テーブルNO. Table No.	人数 Persons	IN	OUT
2	2	:	:

ホステス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	NO. 7204		
	3:00 ~ 4:00	2	12000
	3:00/R		120000
	3:00/R		120000
MAYA YUSA ANDY	3:00/R		120000
KELLY YUME	3:00/R		120000
YUSA	3:00/R		120000
MAYA	3:00/R		120000
YUME	T.D		3000
YUSA	T.D		3000
ANDY	3:00/R		120000
小計 (Sub Total)	18000	*	1,356,000
税・料 (Tax & Service 20%)		*	271,200
合計 (Grand Total)		*	1,627,200

Pekshimi No. 07204
Restaurant Card

Name 様 4月21日

テーブルNO. Table No.	人数 Persons	IN	OUT
2	2	:	:

ホステス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	2:00 ~ 3:00	2	12000
MAYA KELLY ANDY	3:00/R		120000
RUBY YUME YUSA	3:00/R		120000
MAYA KELLY ANDY	3:00/R		120000
RUBY YUME YUSA	3:00/R		120000
YUME	T.D		3000
YUSA	T.D		3000
RUBY YUME YUSA	3:00/R		120000
ANDY KELLY MAYA	3:00/R		120000
小計 (Sub Total)	18000	*	1,356,000
税・料 (Tax & Service 20%)		*	271,200
合計 (Grand Total)		*	1,627,200

Total amount



インフィニティ
(クレジットカード発上票)
(データーギャザ用)

加盟店名

STAR GAZZER

03-6292-9939

発着:

保員:

MS

ICAS識別子

JCBGROUP

カード会社

00369

伝票番号

50001-660-74509

端末番号

08/04/20 04:19:28

ご利用日

会員番号

37153524398500X

有効期限(Y/M)

XX/XX

加盟店番号

221045

取引内容

売上

支払区分

一括

取組区分

110

承認番号

000047

金額

¥1,456,800

合計金額

¥1,456,800

WHITTAKER JIM

署名
SIGNATURE

カード会社用

- Date 2008/4/20

- CH# 3715-352437-95004

- Auth #

- Total amount

- Signature

Tenlamenat



Yukshimi No. 01234

Name 様 4月25日

テーブルNO. Table No.	人数 Persons	IN	OUT
2	2	9:40	1:00

ホステス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	NO. 17232		
ANDY	ビール	4	10000
YSSA	カラアゲ	4	10000
ANDY LOVELY YSSA PURIN	YUME ビシヤ ロサ		12000
ANDY LOVELY YSSA PURIN	YUME ビシヤ ロサ		12000
	TIP		30000
ANDY YSSA LOVELY HOMO PURIN YUME	ビシヤ ロサ		12000
	ビシヤ ロサ		12000
	TIP		40000
小計 (Sub Total)			¥170000
税・サービス (Tax & Service 20%)			¥
合計 (Grand Total)			¥

Name 様 4月25日

テーブルNO. Table No.	人数 Persons	IN	OUT
2	2	9:40	1:00

ホステス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	NO. 17232		
	11:00 ~ 12:20	2	12000
	アゲ	④	3000
	イサ	④	3000
	ラビ	④	3000
	IX	④	3000
YUME	アゲ	4	10000
LOVELY	ビール	4	10000
小計 (Sub Total)			¥44000
税・サービス (Tax & Service 20%)			¥
合計 (Grand Total)			¥

Fukushima No. 07239

Name 様 4月25日

テーブルNO. Table No.	人数 Persons	IN	9:40
	2	OUT	1:00
ホステス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	NO. 17232		
LOVELY YSSA	12:00		120000
ANDY PURIN	12:00		120000
ANDY YUME	12:00		120000
YSSA LOVELY	12:00		120000
LOVELY ANDY	12:00		120000
YSSA MOMO	12:00		120000
小計 (Sub Total)			¥
税・サービス (Tax & Service 20%)			¥
合計 (Grand Total)			¥



「クレジットカード売上紙」
(データギャグ用)

加盟店名

STAR GAZZER

03-5292-3839

売場:

係員:

IC/MS識別子

MS

カード会社

JCB GROUP

伝票番号

00387

端末番号

50001-550-74508

ご利用日

08/04/26 23:56:02

会員番号

3715324995000

有効期限 (YY/MM)

XX/XX

処理残高

242482

取引内容

承認済売上

支払区分

一括

取扱区分

110

承認番号

000032

金額

¥2,884,400

合計金額

¥2,884,400

SHITTAZER, JIN

SIGNATURE

以下会社用

- Date 2008/4/26

- CH# 3715-352429-95004

- Auth#

- Total amount

- Signature

Pukshini No. 07232
Kashimatsu

Name 様 4月25日

テーブルNO. Table No.	人数 Persons	IN	9:40
	2	OUT	11:00
ホスチス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	6000	2	12000
	アンディ	1	9000
	イサ	1	9000
	エス	1	9000
	ラズリー	1	9000
	TIP		20000
	TIP		20000
ANDY	ドレス11 枚		120000
YSSA	ドレス11 枚		120000
YUME	ドレス11 枚		120000
LOVELY	ドレス11 枚		120000
小計 (Sub Total) 328000			¥
税・サ (Tax & Service 10%)			¥
合計 (Grand Total)			¥ 2,874,400

Total amount

Pukshini No. 07233
Kashimatsu

Name 様 4月25日

テーブルNO. Table No.	人数 Persons	IN	9:40
	2	OUT	11:00
ホスチス名 Hostess Name	品名 Article	数量 Amount	金額 As Amount of Money
	NO 7232		
	ドレス11 枚		120000
	ドレス11 枚		120000
ANDY	ドレス11 枚		120000
YSSA	ドレス11 枚		120000
YUME	ドレス11 枚		120000
	TIP		20000
	TIP		20000
ANDY	ドレス11 枚		120000
YSSA	ドレス11 枚		120000
YUME	ドレス11 枚		120000
LOVELY	ドレス11 枚		120000
小計 (Sub Total) 175000			¥
税・サ (Tax & Service 10%)			¥
合計 (Grand Total)			¥